

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MIKE FIELDS,

Plaintiff,

v.

MARLYN RAMIREZ,

Defendant.

Case No. 2:21-cv-02102-CDS-EJY

ORDER

Pending before the Court is Defendant's Motion for Stay of Discovery (ECF No. 25). The Court has considered Defendant's Motion, Plaintiff's Opposition (ECF No. 27), and Defendant's Reply (ECF No. 28). Defendant's moving papers fail to address the standard applicable to a motion seeking a stay of discovery. Defendant instead states that she "filed a Motion to Dismiss challenging the validity of the Plaintiff's claim." ECF No. 25 at 1.

"[F]iling a motion to dismiss does not automatically stay discovery in federal court." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597 (D. Nev. 2011). Defendant, as the party seeking a stay of discovery, carries the heavy burden of showing why discovery should not be allowed. *Turner Broadcasting Sys. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997) (Internal citation omitted). The single sentence offered by Defendant in support of her requested stay of discovery is an insufficient basis to support her request.

Accordingly, IT IS HEREBY ORDERED that Defendant's Motion for Stay of Discovery (ECF No. 25) is DENIED.

IT IS FURTHER ORDERED that Defendant must meet and confer with counsel for Plaintiff no later than May 13, 2022 for the purpose of finalizing and filing a joint discovery plan and scheduling order. If the parties cannot come to an agreement on a joint proposed plan, each party may file its own proposed discovery plan no later than May 16, 2022.

1 IT IS FURTHER ORDERED that Defendant's failure to participate in good faith in
2 preparation of the proposed joint discovery plan and scheduling order shall result in adoption of
3 Plaintiff's proposed plan.

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5 Dated this 5th day of May, 2022.

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7 ELAYNA J. YOUCHAH
8 UNITED STATES MAGISTRATE JUDGE
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